IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

Bail Appl..No. 7076 of 2006(C)

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CRIME NO.132/1992 OF PATTANAKAD POLICE STATION
CC.524/1994 of J.M.F.C.-I, CHERTHALA

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PETITIONER/ACCUSED:

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C.A. BABU, S/O. APPEY,
AGED 54 YEARS, CHAMBAKKAL HOUSE, PERUMPADAPPU,
PALLURUTHY, COCHIN-6.

BY ADV. SRI.P.F.FRANCIS

RESPONDENTS:

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STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PATTANAKKAD POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

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**BAIL APPLICATION NO.7076 OF 2006**

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**DATED THIS THE 2ND DAY OF JANUARY, 2007**

**O R D E R**

Petitioner who is the first accused in Crime No.132/92 of Pattanakkad Police Station for an offence punishable under section 420 IPC in respect of a vehicle transaction and which is now pending before the J.F.C.M.-I, Cherthala as C.C.No.524/94, seeks anticipatory bail. The case against the petitioner is pending before the said court as L.P.No.3/98 and admittedly non-bailable warrants of arrest are pending against the petitioner.

2. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. If according to the petitioner, the matter has been settled between the de facto complainant and the petitioner that is also a matter which the petitioner can raise before the Magistrate while seeking bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after examining the contention of the petitioner that the matter has been settled. Annexure A1 letter

produced along with Crl.M.A.No.7281/06 shall be returned to the petitioner after substituting the same with another copy.

V.RAMKUMAR, JUDGE

dsn